



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 17, 2020

BY ECF

Hon. Lewis J. Liman
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: **United States v. Anthony Guzzone, 20 Cr. 354 (LJL)**

Dear Judge Liman:

We write to provide a status report in the above-referenced case, to seek further instruction from the Court, and if necessary to seek the exclusion of time under the Speedy Trial Act.

Pursuant to Your Honor's earlier referral of proceedings, the parties this week completed a presentment, waiver of indictment, and arraignment before Magistrate Judge Robert W. Lehrburger. We thus now have a criminal number and a docket in ECF.

The next step is to schedule a plea. It appears to the parties that we cannot at this time meet the CARES Act statutory standard for conducting a plea by videoconference -- in particular because we do now believe at the present time we can demonstrate "specific reasons that the plea , , , cannot be further delayed without serious harm to the interests of justice." Pub. L. 116-136, div. B, title V, §15002, Mar. 27, 2020, 134 Stat. 527.

Nonetheless, the parties are prepared to move forward with an in-person plea at whatever time the Court is prepared to begin taking pleas in that manner.


The parties will of course proceed in whatever manner the Court directs. Among other things, options presumably include setting a date for a plea, or setting a date for the parties to report again to the Court.

If there is to be any delay owing to the coronavirus shutdown, the parties jointly request that time be excluded. We respectfully submit that such time is properly excludable pursuant to 18 U.S.C. § 3161(h)(7), because such an exclusion of time would best serve the ends of justice and outweigh the best interest of the public and the defendants in a speedy trial.

A Plea Hearing is hereby scheduled for September 14, 2020 at 12:00PM in Courtroom 15C. The Court, by consent of parties, excludes time from July 23, 2020 to September 14, 2020, pursuant to 18 U.S.C. §3161(h)(7), because such an exclusion of time would best serve the ends of justice and outweigh the best interest of the public and the defendant in a speedy trial.

7/23/2020

SO ORDERED.


LEWIS J. LIMAN
United States District Judge

Respectfully submitted,

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cc: Alex Spiro, Esq. (by ECF & email)